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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA,) No. CR-08-324 DLJ
13 Plaintiff,) STIPULATION AND [PROPOSED]
14 v.) PROTECTIVE ORDER
15 JAMIE ESPINOZA AMARILLAS,) RE: SERGIO ESPINOZA IMMIGRATION
16 Defendant.) FILE
17 _____)
18

19 1. On May 14, 2008, the grand jury returned a one-count indictment charging defendant
20 with illegally reentering the United States, in violation of Title 8, United States Code, Section
21 1326(a).

22 2. On August 12, 2008, defendant's counsel requested a copy of Sergio Espinoza's
23 (defendant's brother) immigration records. The United States, in turn, requested a copy of Mr. S.
24 Espinoza's records from the United States Immigration and Customs Enforcement. The records
25 contain personal information regarding Mr. S. Espinoza and his family members.

26 3. Pursuant to Federal Rule of Criminal Procedure 16, the parties stipulate, and the Court
27 orders, that disclosure of Mr. S. Espinoza's immigration records be subject to the following
28 restrictions:

STIPULATION AND PROTECTIVE ORDER
[CR08-324 DLJ]

1 a. Except when being actively examined for the purpose of preparing the defense of
2 defendant Jaime Espinoza Armarillas, defense counsel Colleen Martin shall maintain copies of
3 the records produced by the United States in a locked, safe and secure drawer, cabinet, or safe
4 that is accessible only to Ms. Martin.

5 b. Ms. Martin may possess and review the records for the limited purpose of preparing a
6 defense on behalf of defendant Jaime Espinoza Armarillas in the above-referenced case. Ms.
7 Martin shall not permit the defendant to annotate or otherwise copy the records, including any
8 personal information contained in the records.

9 c. Examination of the records shall be done in a secure environment that will not expose
10 the contents of the records to individuals other than Ms. Martin, her paralegal(s), her
11 investigator(s), members of her legal support staff, and the defendant.

12 d. If Ms. Martin determines that any additional individuals are needed to review the
13 material, she must obtain a further order of the Court before allowing any other individual to
14 review the material.

15 e. If the material is provided in electronic format on a CD-ROM, Ms. Martin may print
16 out the images, but no additional copies of the records may be made without further court order,
17 including duplication of the images in any digital format.

18 g. Within five court days of the judgment and sentencing hearing in this matter, all
19 material provided to the defense counsel pursuant to this Order, and all other authorized copies,
20 if any, shall be returned to the United States. If defendant believes that he must maintain the
21 material for any reason related to appeal, defendant must seek authorization from the District
22 Court within five days of the sentencing and judgment in this matter.

23 h. By signing this stipulation, defense counsel Colleen Martin has acknowledged as
24 follows:

- 25 1) she has reviewed the Order;
26 2) she understand its contents;
27 3) she agrees that she will only use the information contained in the records for
28 the purpose of preparing a defense on behalf of defendant Jaime Espinoza

1 Armarillas;

2 4) she will not make any copies of the records without further order of the Court;

3 and

4 5) she understands that failure to abide by this Order may result in sanctions by
5 this Court and state or federal criminal charges for possession of unauthorized
6 access devices.

7 i. A copy of this order shall be maintained with the records at all times.

8
9 STIPULATED:

10 DATED: September 10, 2008

11 /s/ Colleen Martin
12 COLLEEN MARTIN, Esq.
13 Attorney for Defendant Jaime Espinoza Armarillas

14 DATED: September 10, 2008

15 /s/ Joshua Hill
16 JOSHUA HILL
17 Assistant United States Attorney

18 IT IS SO ORDERED.

19 DATED: September 16, 2008

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D. LOWELL JENSEN
United States District Judge

